

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF NEW YORK

DEAN OTTOWAY,

Plaintiff,

Civil Action No. 5:08-CV-0057

vs.

UNITED STATES OF AMERICA,

Defendant.

APPEARANCES:

OF COUNSEL:

Rawls, McNelis Law Firm  
1111 East Main Street  
Suite 1701  
Richmond, VA 23219  
Attorney for Plaintiff

John D. McChesney, Esq.

Office of the United States Attorney  
100 South Clinton Street  
Syracuse, NY 13261  
Attorney for Defendant

William F. Larkin, Esq.  
Assistant United States Attorney

**Norman A. Mordue, Chief Judge U.S. District Judge**

JUDGMENT DISMISSING ACTION  
BASED UPON SETTLEMENT

The pursuant to the report of the mediator (Dkt. No. 22) , the parties have entered into an agreement in settlement of all claims in this action, and that they reasonably anticipate finalizing their agreement shortly, following which this action will be discontinued, with prejudice, by stipulation pursuant to Rule 41(a)(1)(ii) of the Federal Rules of Civil Procedure. Based upon this development, I find that it is not necessary for this action to remain on the court's active docket.

It is therefore hereby

ORDERED that the above-captioned case is hereby **DISMISSED** in its entirety **without**

**prejudice** to re-opening upon the motion within thirty (30) days of the date of the filing of this order upon a showing that the settlement was not consummated; and it further

ORDERED that the dismissal of the above-captioned case shall become **with prejudice** on the thirty-first day after the date of the filing of this order unless a party moves to re-open this case within thirty (30) days of the date of the filing of this order upon a showing that the settlement was not consummated.

IT IS SO ORDERED

Date: February 10, 2009

A handwritten signature in black ink, appearing to read "Norman A. Mordue", written over a horizontal line.

Norman A. Mordue  
Chief United States District Court Judge